

MAY 24 2006

Order Setting Conditions of Release (AO 199ABC 6/97-5/99-12/03)

UNITED STATES DISTRICT COURT  
District of New Hampshire

UNITED STATES OF AMERICA

v.

ORDER SETTING CONDITIONS  
OF RELEASEELAINE BROWNCase Number: 06CR 71-01 JD

Defendant

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- ☒ The defendant shall not commit any offense in violation of federal, state, or local law while on release in this case.
- ☒ The defendant shall immediately advise the court, defense counsel, and the U.S. Attorney in writing before any change in address and telephone number.
- ☒ The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed or as directed.
- ☐ The defendant shall appear at U.S. District Court, 55 Pleasant St., Concord, NH on \_\_\_\_\_ at \_\_\_\_\_ for \_\_\_\_\_ and when and where as ordered by the Court.

**Release on Personal Recognizance or Unsecured Bond**

IT IS FURTHER ORDERED that the defendant be released provided that:

- ☐ The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- ☐ The defendant executes an unsecured bond binding the defendant to pay the United States the sum of \_\_\_\_\_ dollars (\$ \_\_\_\_\_) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

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**Additional Conditions of Release**

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- ☐ The defendant is placed in the custody of:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Tel: \_\_\_\_\_

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: \_\_\_\_\_  
 Custodian or Proxy

☒ The defendant shall:

- ☒ report on a regular basis to the supervising officer.
- ☒ maintain or actively seek employment.
- ☒ refrain from possessing a firearm, destructive device, or other dangerous weapons.
- ☒ surrender any firearm(s) to Clerk, U.S. District Court, 55 Pleasant St., Concord, NH. *on Pretrial Services*
- ☒ surrender any passport to Clerk, U.S. District Court, 55 Pleasant St., Concord, NH.
- ☒ obtain no passport.
- ☐ submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing.
- ☐ refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or electronic monitoring which is (are) required as a condition(s) of release.
- ☐ participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the pretrial services office or supervising officer.
- ☐ defendant detained until he/she can be released directly into an inpatient treatment facility.
- ☒ restrict travel to the State(s) of New Hampshire *and VERMONT*. Any other travel must be pre-approved by the pretrial services office or the supervising officer.
- ☐ avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including but not limited to: \_\_\_\_\_
- ☐ have no unsupervised contact with any minor children.
- ☐ refrain from [ ] any [ ] excessive use of alcohol.
- ☐ participate in the following home confinement program components and abide by all the requirements of the program:
  - ☐ Curfew: You are restricted to your residence every day [ ] from \_\_\_\_\_ to \_\_\_\_\_, or [ ] as directed by the pretrial services office or supervision officer, or

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- ☐ Home Detention: You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the pretrial services office or supervising officer; or
- ☐ Home Incarceration. You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the pretrial services office or supervising officer.
- ☐ the home confinement program will include electronic monitoring or other location verification system. You shall pay all or part of the cost of the program based upon your ability to pay as determined by the pretrial services office or supervising officer.
- ☐ refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
- ☐ undergo medical or psychiatric treatment and/or remain in an institution as follows: \_\_\_\_\_
- ☐ execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property: \_\_\_\_\_
- ☐ post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money: \_\_\_\_\_
- ☐ execute a bail bond with solvent sureties in the amount of \$ \_\_\_\_\_
- ☐ return to custody each (week)day as of \_\_\_\_\_ after being released each (week)day as of \_\_\_\_\_ for employment, schooling or the following limited purpose(s) \_\_\_\_\_
- ☐ maintain or commence an education program.
- ☐ maintain residence at a halfway house or community corrections center, as deemed necessary by the pretrial services office or supervising officer.
- ☐ report as soon as possible, to the pretrial services office or supervising officer any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.
- ☒ Other: Attached conditions  
against Probation in Retrieving guns  
on property

**Advice of Penalties and Sanctions**

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a federal offense while on pre-trial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony, or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment or a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to 10 years of imprisonment and a \$250,000 fine or both to tamper with a witness, victim, or informant; to retaliate or attempt to retaliate against a witness, victim, or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

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If after release you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both;
- (2) on offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

**Acknowledgment of Defendant**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

Date: 5-24-06

James A. Brown  
Signature of Defendant

401 CENTER OF TOURS RD.  
Street Address

PLAINFIELD, NJ 07081 675-8909  
City, State, Zip Code Telephone

**Directions to United States Marshal**

- ☐ The United States Marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judge at the time and place specified, if still in custody.
- ☒ The defendant is ORDERED released after processing.

Date: May 24, 2006

James E. Muirhead  
☒ United States Magistrate Judge  
☐ United States District Judge

cc: Defendant  
U.S. Attorney  
U.S. Marshal  
U.S. Probation  
Defense Counsel

Case # 06cr 71-01-JD

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**ADDITIONAL CONDITIONS OF RELEASE:**

(✓) Surrender any firearm(s) to U.S. District Court, 55 Pleasant St., Concord, NH, or it's designated representative, the United States Probation Office. All firearms will be stored and maintained at Riley Sport Shop located in Hooksett, NH at a cost of \$7 per firearm per month, and any costs of said storage shall be paid by the defendant.

(✓) The defendant shall submit ~~his~~ person, residence, office or vehicle to a search conducted by a U.S. Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion that contraband or evidence of a violation of conditions of release may exist; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this conditions.

(✓) The defendant is prohibited from having any individual, or groups of individuals, gather at ~~his~~ residence or place of employment while armed.

(✓) Restrict all third parties from entering 401 Center Town Road, Plainfield, NH during the course of surrendering all firearms.

Date: May 24, 2006

Elaine A Brown  
Defendant's Name

Address: 401 CENTER OF TOWN RD  
PLAINFIELD, NH 03777

Tel #: 675-2909

James R Muirhead